

SECOND AMENDMENT TO THE AUGUST 8, 1977 AGREEMENT
BY AND BETWEEN LAGUNA COUNTY SANITATION DISTRICT AND CITY OF
SANTA MARIA

This Second Amendment to the August 8, 1977 Agreement by and between Laguna County Sanitation District and City of Santa Maria, is made and entered into this 4th day of January, 2011, by and between

LAGUNA COUNTY SANITATION DISTRICT ("District")

AND

CITY OF SANTA MARIA ("City")

The August 8, 1977 agreement is hereby amended by removing Provision 5 for the prepayment of estimated flows. Provision 6 and 7 shall read as follows:

6. Within 30 days of the end of each fiscal year, the parties shall meet and determine the actual amount of waste discharged into the other's sewer system. Based on a determination of actual difference of flow between each party's flows, the party discharging the greater amount of waste into the other's system shall be obligated to pay to the other an amount in accordance with the formula set forth herein. The payment shall be made in full by September 1 of each year.

7. After a determination of the net difference between the amount of waste received by CITY and DISTRICT, the amount of money to be paid to the party receiving the greater net amount of waste shall be determined by the following formula:

Total User Payment = Flow X Value

Where Flow = Total Yearly Difference in Flow in Gallons

Value = \$1.34/1,000 gal in Fiscal Year 10-11, and escalating by 3% each year until the end of the agreement. The resulting values for each year are:

FY 11-12	\$1.38
FY 12-13	\$1.42
FY 13-14	\$1.46
FY 13-14	\$1.51
FY 14-15	\$1.55
FY 15-16	\$1.60
FY 16-17	\$1.65

DISTRICT agrees to pay a one-time charge of \$14,189.79, equaling the difference between \$185,000 and the estimated payments for FY 09-10, due within 60 days of the date of this amendment is made.

All remaining portions of the August 8, 1977 Agreement and the January 14, 1980 amendment thereto shall remain in full force and effect, and the term of this amendment shall coincide with the term of the August 8, 1977 Agreement as set forth in paragraph No. 8 thereof.

LAGUNA COUNTY SANITATION DISTRICT
County of Santa Barbara, State of California

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHAL
COUNTY COUNSEL

By: _____
Deputy

By: _____
Joni Gray, Chair, Board of Directors
"District"

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____

APPROVED AS TO CONTENTS:

By: _____

APPROVED AS TO FORM:

CITY OF SANTA MARIA
A Municipal Corporation

By: *Edwin G. Johnston*
Asst. City Attorney

By: *S. Sanguino*
Mayor

APPROVED AS TO CONTENTS:

By: _____
Department Head

By: *Patricia Arley*
City Clerk

By: *TSL*
City Administrator

RESOLUTION NO. 2011-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT AMENDING THE AUGUST 8, 1977 AGREEMENT WITH THE LAGUNA COUNTY SANITATION DISTRICT FOR COLLECTION AND TREATMENT OF WASTEWATER

WHEREAS, the City entered into an agreement on August 8, 1977, with Laguna County Sanitation District for Collection and Treatment of Wastewater; and

WHEREAS, this agreement is in the mutual benefit of the Laguna County Sanitation District and the City of Santa Maria; and

WHEREAS, the agreement established a protocol for calculating the cost difference between the two agencies, to be paid to the agency accepting the greater volume of waste; and

WHEREAS, the agreement contains a provision for updating some of the terms that are impacted by new construction; and

WHEREAS, these terms were last updated in a July 6, 1981, amendment to the agreement; and

WHEREAS, this second amendment was first pursued to address a change in terms associated with the recent wastewater treatment plant expansion, completed in December 2009; and

WHEREAS, it was acknowledged by both parties that the formula and methodology for calculating payment is overly complicated, and there was an interest in simplifying the calculation for the remainder of the term of the agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Santa Maria, California as follows:

The "SECOND AMENDMENT TO THE AUGUST 8, 1977 AGREEMENT BY AND BETWEEN LAGUNA COUNTY SANITATION DISTRICT AND THE CITY OF SANTA MARIA," attached hereto as Exhibit "A," is hereby approved by the Mayor, and the City Clerk is authorized and directed to execute the same on behalf of the City.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held January 4, 2011.

/S/ L. J. LAVAGNINO

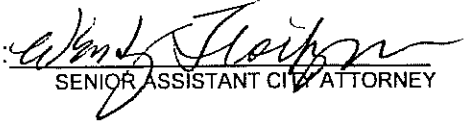
Mayor

ATTEST:

PATRICIA A. PEREZ

Chief Deputy City Clerk

APPROVED AS TO FORM:

BY: 
SENIOR ASSISTANT CITY ATTORNEY

CONTENTS:

BY: 
DEPARTMENT HEAD

BY: 
CITY MANAGER

EXHIBIT "A"
SECOND AMENDMENT TO THE AUGUST 8, 1977 AGREEMENT
BY AND BETWEEN LAGUNA COUNTY SANITATION DISTRICT AND CITY OF
SANTA MARIA

This Second Amendment to the August 8, 1977 Agreement by and between Laguna County Sanitation District and City of Santa Maria, is made and entered into this ____ day of _____, 2011, by and between

LAGUNA COUNTY SANITATION DISTRICT ("District")
AND
CITY OF SANTA MARIA ("City")

The August 8, 1977 agreement is hereby amended by removing Provision 5 for the prepayment of estimated flows. Provision 6 and 7 shall read as follows:

6. Within 30 days of the end of each fiscal year, the parties shall meet and determine the actual amount of waste discharged into the other's sewer system. Based on a determination of actual difference of flow between each party's flows, the party discharging the greater amount of waste into the other's system shall be obligated to pay to the other an amount in accordance with the formula set forth herein. The payment shall be made in full by September 1 of each year.
7. After a determination of the net difference between the amount of waste received by CITY and DISTRICT, the amount of money to be paid to the party receiving the greater net amount of waste shall be determined by the following formula:

Total User Payment = Flow X Value

Where Flow = Total Yearly Difference in Flow in Gallons

Value = \$1.34/1,000 gal in Fiscal Year 10-11, and escalating by 3% each year until the end of the agreement. The resulting values for each year are:

FY 11-12	\$1.38
FY 12-13	\$1.42
FY 13-14	\$1.46
FY 13-14	\$1.51
FY 14-15	\$1.55
FY 15-16	\$1.60
FY 16-17	\$1.65

DISTRICT agrees to pay a one-time charge of \$14,189.79, equaling the difference between \$185,000 and the estimated payments for FY 09-10, due within 60 days of the date of this amendment is made.

All remaining portions of the August 8, 1977 Agreement and the January 14, 1980 amendment thereto shall remain in full force and effect, and the term of this amendment shall coincide with the term of the August 8, 1977 Agreement as set forth in paragraph No. 8 thereof.

LAGUNA COUNTY SANITATION DISTRICT
County of Santa Barbara, State of California

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHAL
COUNTY COUNSEL

By: _____
Deputy

By: _____
Joni Gray, Chair, Board of Directors
"District"

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

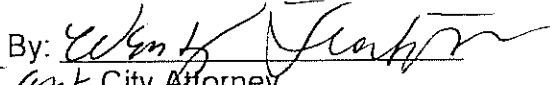
By: _____

APPROVED AS TO CONTENTS:

By: _____

APPROVED AS TO FORM:

CITY OF SANTA MARIA
A Municipal Corporation


By: 
City Attorney

By: _____
Mayor

APPROVED AS TO CONTENTS:

By: _____
Department Head

By: _____
City Clerk

By: 
City Administrator

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA MARIA)


I, PATRICIA A. PEREZ, Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2011-07 which was duly and regularly introduced and adopted by said City Council at a regular meeting held January 4, 2011, and carried on the following vote:

AYES: Councilmembers, Boysen, Cordero, Orach, and Patino,
and Mayor Lavagnino.

NOES: None.

ABSENT: None.

ABSTAIN: None.



Chief Deputy City Clerk of the City of Santa Maria
and ex officio Clerk of the City Council

